

**AMENDMENTS TO THE DRAWINGS**

The attached three (3) sheets of drawings includes changes to FIGs. 1-3. These sheets, which includes FIGs. 1-3, replace the original and previously filed replacement sheets including FIGs. 1-3.

Attachment: Replacement Sheets (3)

Annotated Sheets Showing Changes (3)

## REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-20 are pending in the present application. No claims are amended, cancelled, or added. No new matter is added.

## DRAWING OBJECTIONS

In the outstanding Office Action, FIGs. 1-3 were objected to because they “do not label for [sic] elements 105-113.” In particular, the Office Action requires text labels such as “Router” for element 105.

In response, it is respectfully submitted that the Office Action offers **no** authority for this requirement. Further, 37 CFR §1.84(o) **does not require** a descriptive legend unless they are necessary for understanding of the drawing. It is further respectfully submitted that the indicated textual labels are unnecessary for understanding FIGs. 1-3, especially in view of the detailed description of the figures provided in Applicant’s specification at pages 6-8 (*See also*, MPEP §608.02, stating that “Drawings on paper are acceptable as long as they are in compliance with 37 CFR §1.84”).

Despite there being no basis for requiring the labels indicated by the outstanding Office Action, Applicant submits replacement figures including textual labels only to expedite prosecution. Accordingly, it is respectfully requested that the objections to FIGs. 1-3 be withdrawn.

## **§112 REJECTIONS**

The Office Action erroneously rejects Claims 14-18 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In response, the Office Action improperly rests its rejection on a mere conclusory statement of the legal standard of the written description requirement. *See Vas-Cath, Inc.*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991). As described in MPEP §2163(II):

“Examiner has the initial burden, after a thorough reading and evaluation of the content of the application, of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims.”

The Office Action contains no evidence or reasoning in this rejection. Thus, no attempt has been made to carry this initial burden. Accordingly, the rejection is improper on its face and must be withdrawn.

Moreover, it is respectfully submitted that these claims are fully supported by the original disclosure at least at pages 7-8 and Figs. 2-3. It is respectfully noted that Applicant identified support for these claims at page 8 of the previously filed Response. In view of the improper rejection and the explicit support in Applicant’s specification, it is respectfully requested that the rejections of Claims 14-18 be withdrawn.

Further, Claims 14-18 were not rejected based on any prior art. MPEP §2163(III) directs that Office personnel must complete the patentability determination under all the relevant statutory provisions of 35 USC regardless of the outcome of a determination under 35 USC §112, first paragraph. As Claims 14-18 are fully supported by the original

disclosure, it follows that 1) **these claims are therefore in condition for allowance; or**  
**2) the finality of this Office Action is improper and must be withdrawn.**

### **§102(e) REJECTIONS**

The Office Action rejects Claims 1-13 and 19-20 under 35 U.S.C. §102(e) as anticipated by DiCamillo et al. (U.S. Patent Pub. No. 2002/0061100, “DiCamillo”). For at least the reasons discussed below, Applicant respectfully requests the anticipatory rejections be withdrawn.

Claim 1 includes, *inter alia*, converting a virtual number into at least one physical number. Claim 6 includes, *inter alia*, a virtual number being converted into at least one physical number. It is respectfully submitted that DiCamillo does not teach either of these recited features.

In support of the art rejections, the Office Action at page 6 asserts that DiCamillo implicitly teaches that a virtual number is converted into a physical number. In particular, the Office Action appears to rely on ¶0034 of DiCamillo (i.e., that the gatekeeper 26 sends an H.225 message informing the gateway 22 of the correct destination gateway 28 at the correct destination Point-of-Presence 29) and also points to ¶¶0029-31 as teaching that a virtual number is converted into a physical number. However, it is respectfully submitted that these sections **do not describe** converting a virtual number into a physical number. Thus, the Office Action’s reasoning appears to be based on inherency since the claimed feature is neither taught nor suggested by DiCamillo at the cited sections. It is respectfully submitted that this feature is not inherent in the cited teachings of DiCamillo.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP §2112 (emphasis in original). The assertion in Office Action based on ¶0034 does not “reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Id.* (emphasis in original). Instead, DiCamillo expressly teaches at ¶0035 that the originating gateway 22 obtains all **necessary information** from the gatekeeper (i.e., resource utilization and the proper gateway 28 to terminate the call) before contacting the destination gateway 28. The listing of only resource utilization and the proper gateway as necessary information and the absence of any teaching that a virtual number is converted into a physical number suggests the claimed feature is **not necessary or inherent** in DiCamillo at ¶¶0029-31 or 0034. Accordingly, the Office Action’s reliance on inherency is improper, and it respectfully requested that the claim rejections based thereon be withdrawn.

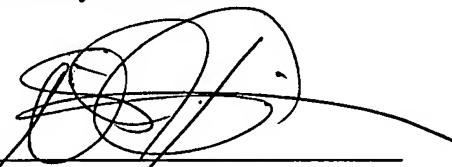
Moreover, it is respectfully noted that the art rejections of Claims 3 and 13 based on inherency are also improper. These same deficiencies were present in the previous first Office Action and noted in the previous response. In particular, the rejections are conclusory and lack objective evidence or technical reasoning to reasonably support the determination that the allegedly inherent characteristic (comparing a virtual number to a routing table or converting a virtual number into at least one physical number based on a routing table) “necessarily flows” from the call initiation teachings of DiCamillo. See MPEP §2112 (emphasis in original). DiCamillo is silent with respect to any routing table. Further, using a routing table in the context of a virtual number does not

necessarily flow from the teachings of DiCamillo in view of various alternative approaches to call initiation. Accordingly, these rejections are improper and must be withdrawn.

It is also submitted that the remaining dependent claims are each patentable at least by virtue of their dependence without need to rely upon the further patentable limitations contained therein. Accordingly, withdrawal of the art rejections is respectfully solicited.

For at least the reasons discussed above, Applicant respectfully submits that the present application is in condition for formal allowance. Accordingly, an early and favorable reconsideration of this application is respectfully requested.

Respectfully submitted,



Nicholas J. Kim  
Reg. No. 57,344

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: May 31, 2007

DM2\1155717.1

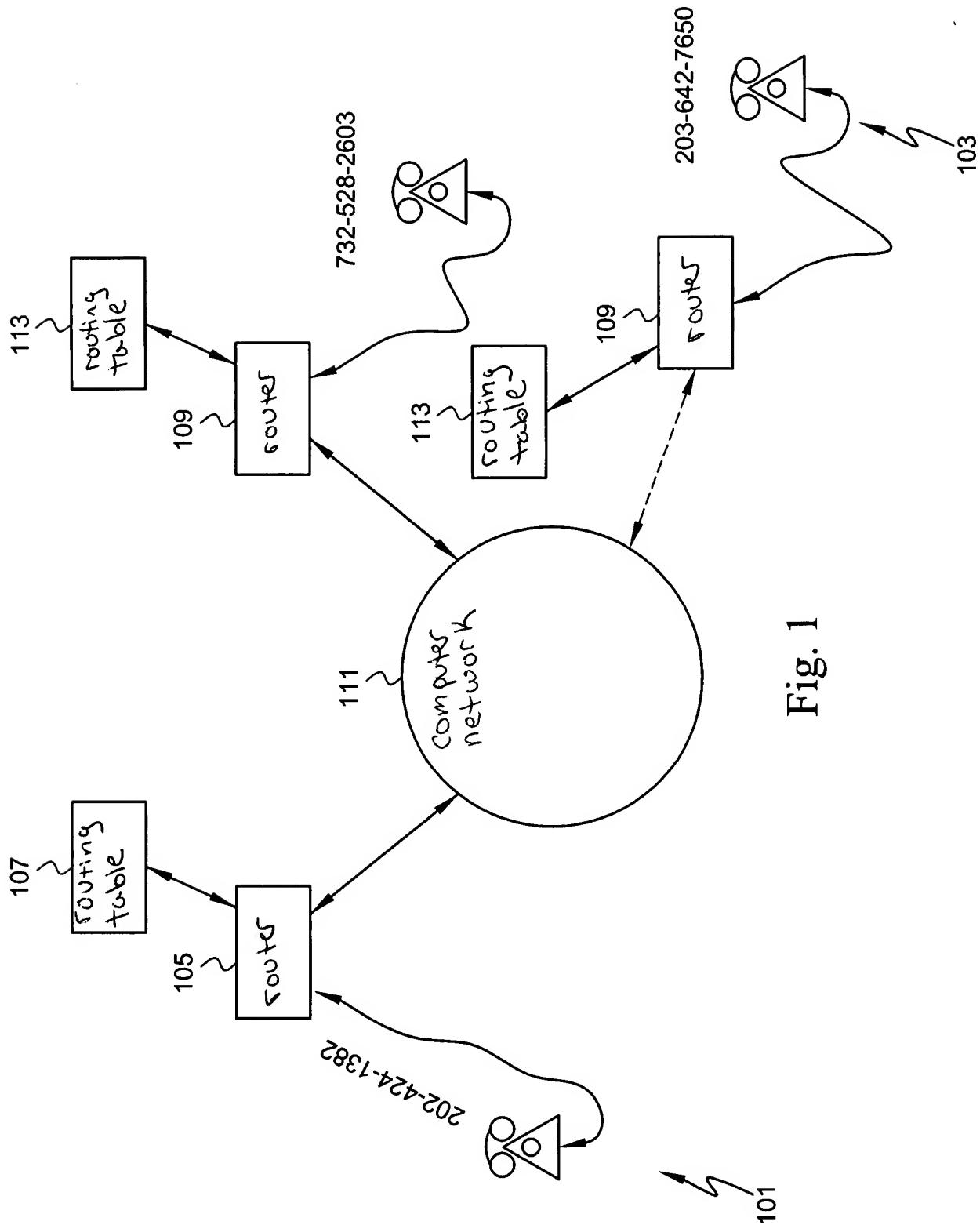


Fig. 1

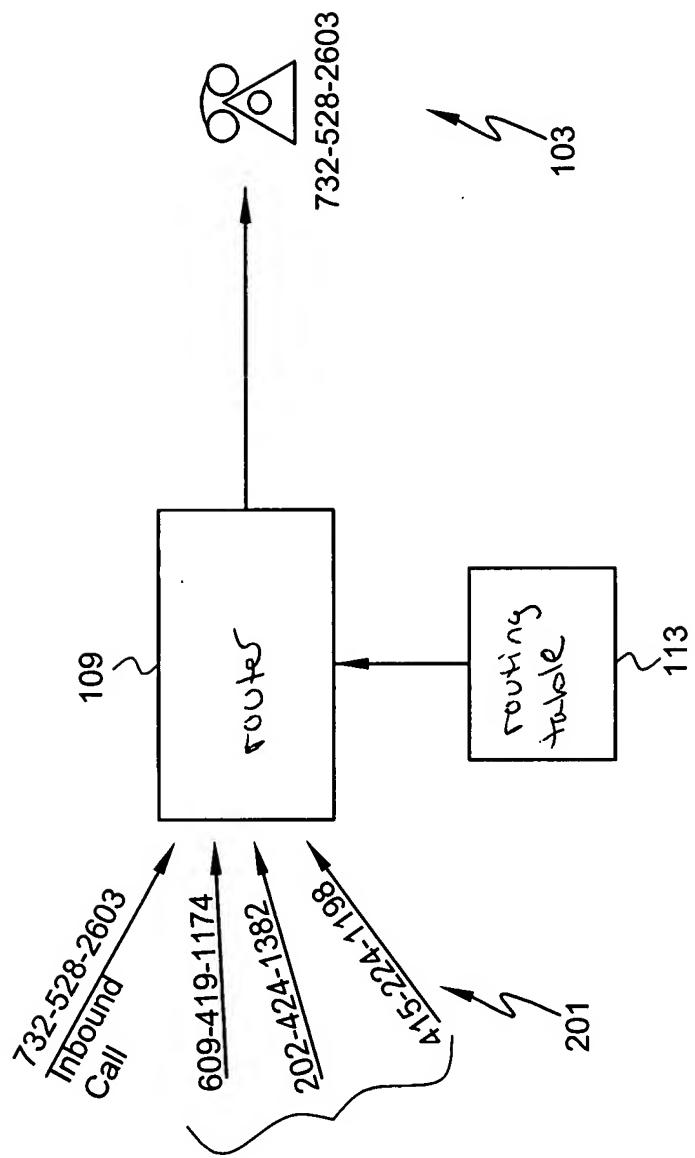


Fig. 2

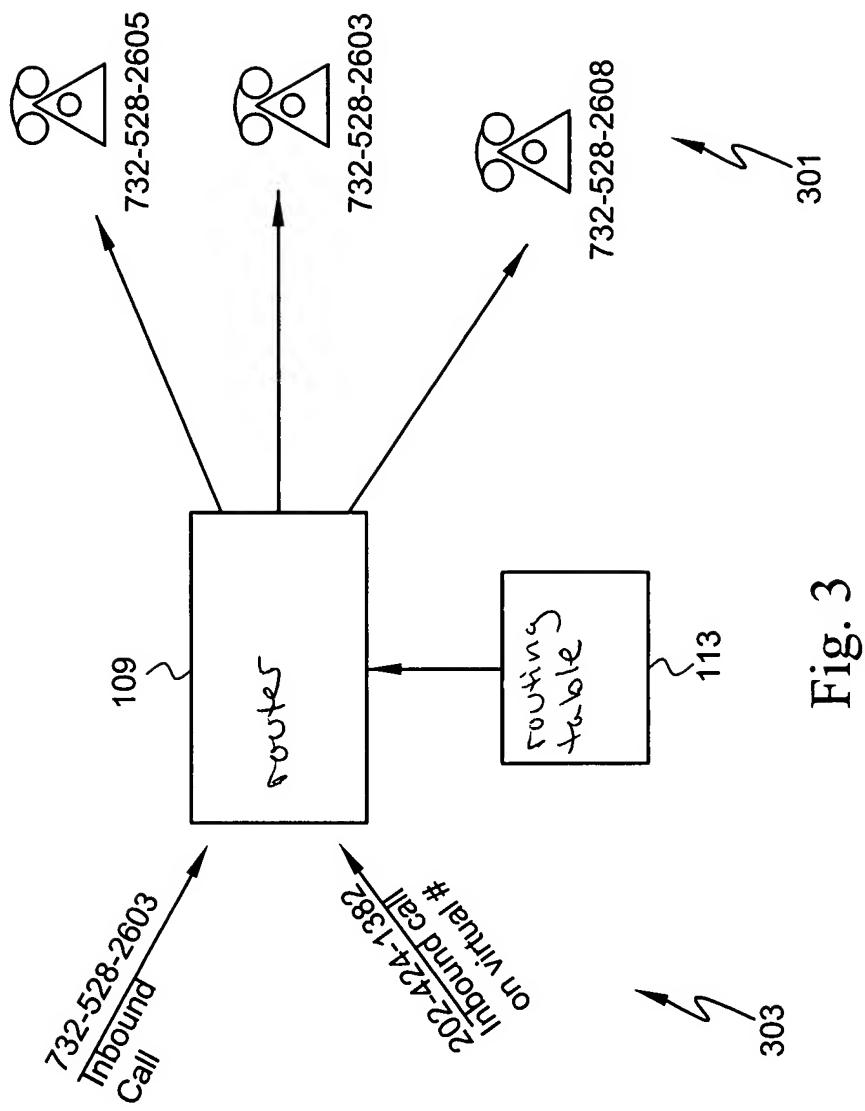


Fig. 3